

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

19 CR 374 (DAB)

MICHAEL AVENATTI,

Conference

Defendant.

New York, N.Y.
July 23, 2019
2:40 p.m.

Before:

HON. DEBORAH A. BATTS

District Judge

APPEARANCES

GEOFFREY S. BERMAN

United States Attorney for the
Southern District of New York

ROBERT B. SOBELMAN

Assistant United States Attorney

H. DEAN STEWARD

Attorney for Defendant

Also Present:

DELEASSA PENLAND - Special Agent, U.S. Att
CHRISTOPHER HARPER - Special Agent, FBI

1 (Case called)

2 THE CLERK: Counsel, please state your name for the
3 record, starting with the government.

4 MR. SOBELMAN: Robert Sobelman for the United States.
5 I'm joined at counsel table by Deleassa Penland, Special Agent
6 with the U.S. Attorney's office, Southern District of New York,
7 and Christopher Harper, a special agent with the Federal Bureau
8 of Investigation. Good afternoon, your Honor.

9 THE COURT: Good afternoon, Mr. Sobelman, and good
10 afternoon to both of you.

11 On behalf of Mr. Avenatti, we have H. Dean Steward?

12 MR. STEWARD: That's correct, your Honor. My client
13 is present.

14 THE COURT: Good afternoon, Mr. Steward. And good
15 afternoon, Mr. Avenatti.

16 THE DEFENDANT: Good afternoon, your Honor.

17 THE COURT: I assume, Mr. Sobelman, that you have seen
18 the correspondence from Mr. Steward relating to his schedule?

19 MR. SOBELMAN: Yes, your Honor.

20 THE COURT: It seems to me that this motion has got to
21 be dealt with before we can actually move on in this case. If
22 indeed the Court were to grant the motion to transfer venue,
23 there would be nothing else here. If the Court does not grant
24 that motion, the case is definitely here and we can move
25 forward.

1 It seems to me that the intelligent thing to do would
2 be to set a motion schedule for the motion to transfer. Based
3 on the prior discussion in this case about the motion to
4 transfer, which was on May 28th, it seems to me it is a
5 relatively straightforward motion.

6 Therefore, the defendant shall make his motion by
7 August 22nd. The government shall respond by September 11th.
8 There will be no replies. At that point it will be fully
9 submitted. The Court will address it as quickly as possible.
10 Then we will either move forward or not, depending on how the
11 motion is decided.

12 Therefore, in the interests of justice I am excluding
13 time from today until October 15, 2019, at which point the
14 Court expects to have determined the motion and we are either
15 on or we are off.

16 Are there any questions?

17 MR. SOBELMAN: Your Honor, the parties had discussed
18 setting a date for other motions. I know defense counsel may
19 have a request to set a trial date as well.

20 THE COURT: The trial date, as I said before, is not
21 going to be set. If you are making a motion to transfer this
22 case, why would I tie up my schedule with a trial date?

23 MR. SOBELMAN: We understand, your Honor. Thank you.

24 THE COURT: In terms of other motions, again, if the
25 motion is granted, there is no need to make other motions. The

1 motion to transfer is of paramount importance. I have given
2 you the schedule, I have excluded the time. Is there anything
3 else we need to do in this case at this time?

4 MR. SOBELMAN: Not from the government.

5 MR. STEWARD: Your Honor, for the defense we would ask
6 for a date on reply only because --

7 THE COURT: You're not getting a reply. All right?

8 MR. STEWARD: Understood. Got it.

9 THE COURT: Anything else? This matter is adjourned.

10 (Adjourned)